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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID CARLETON, an individual,

Plaintiff,

v.

504 GAP, INC. DISABILITY PLANS and
THE GAP, INC., in its capacity as Plan
Administrator,

Defendants.

)
) Case No. CV 07-5924 (JSW)

)
) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **RE BRIEFING SCHEDULE ON**
) **DISPOSITIVE CROSS-MOTIONS**

1 1. This case is an action for disability insurance benefits and related relief
2 under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001 *et seq.* (“ERISA”).

3 2. The Court has scheduled a further Case Management Conference for
4 January 9, 2009, and directed that the parties to meet and confer regarding a briefing schedule
5 for dispositive cross-motions to be heard on or before the Case Management Conference on
6 January 9, 2009. At the previous Conference, the Court gave the parties a briefing schedule
7 subject to the parties’ meet and confer discussions and application to the Court.

8 3. The parties believe that further settlement discussions may resolve the
9 case in the next two weeks. Accordingly, the parties respectfully request and propose the
10 following briefing schedule for the dispositive cross-motions to the Court:

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12	November 7, 2008:	Plaintiff to file motion for summary judgment
13	November 21, 2008	Defendants to file Opposition
14		and cross-motion for summary judgment
15	December 5, 2008	Plaintiff to file Reply/Response to cross motion
16	December 19, 2008	Defendants to file Reply in support of cross-motion
17	January 23 January 9 , 2009	Hearing / Further Case Management Conference
18		

19 JULIAN M. BAUM
20 BAUM & WEEMS

21 /s/ Julian M. Baum
22 by____ JULIAN M. BAUM
23 Attorneys for Plaintiff

24 TAD A. DEVLIN
25 GORDON & REES LLP


26 by____ /s/ Tad A. Devlin_____
27 TAD A. DEVLIN
28 Attorneys for Defendants

ORDER

The parties having stipulated as set forth above,

IT IS SO ORDERED: AS MODIFIED

DATED: October 27, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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